

Remarks

The Amendments

Amendments to the claims are made without prejudice and do not constitute amendments to overcome any prior art or other statutory rejections and are fully supported by the specification as filed. Additionally, these amendments are not an admission regarding the patentability of subject matter of the canceled or amended claims and should not be so construed. Applicant reserves the right to pursue the subject matter of the previously filed claims in this or in any other appropriate patent application. The amendments add no new matter and applicants respectfully request their entry.

The Restriction Requirement

The Office asserts that a species election between (1) an animal; and (2) a microbe. Applicants elect an animal, with traverse. Applicants assert the restriction is improper because both an animal and a microbe are components of the claimed methods. For example, claim 1 recites a method of identifying a polynucleotide of a **microbe** that is expressed *in vivo*. Claim 2 specifies that the polynucleotide of claim 1 encodes an antigen and claim 3 specifies that the antigen is capable of eliciting an immune response in an animal. Therefore, claims 1-3 specify that a polynucleotide of a microbe is expressed *in vivo* (in an animal). Microbes and animals are not separate species for examination purposes because they are each a component of the claimed methods. It is Applicants' good faith belief that all pending claims are generic based on the reasoning presented above.

Applicants respectfully request withdrawal of the requirement of a species election.

Respectfully submitted,
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